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RWIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Charles S.H. Young and Peter J. Hoey

Serial No.: 09/904,669

Examiner: Myron G. Hill

Filed : July 13, 2001

Group Art Unit: 1648

For : MODIFIED ADENOVIRUS AND USES THEREOF

1185 Avenue of the Americas  
New York, NY 10036  
October 10, 2002Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

COMMUNICATION IN RESPONSE TO AUGUST 13, 2002 RESTRICTION  
REQUIREMENT AND PETITION FOR A ONE-MONTH EXTENSION OF TIME

This Communication is submitted in response to the August 13, 2002 Office Action issued by the United States Patent and Trademark Office in connection with the above-identified application. A response to the August 13, 2002 Office Action was originally due September 13, 2002. Applicants hereby petition for a one-month extension of time. Applicants have previously established small entity status. The required fee for a one-month extension of time for a small entity is \$55.00 and a check for this amount is enclosed. Therefore, a response to the August 13, 2002 Office Action is now due October 13, 2002. Accordingly, this Communication is being timely filed.

In the Office Action, the Examiner restricted pending claims 1-16 to one of the following allegedly distinct inventions under 35 U.S.C. §121 as follows:

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- I. Claims 1-5, drawn to a modified adenovirus that expresses only orf 6 of E4 and has modified gene expression from E1A, and/or E1B, and/or other early gene products;
- II. Claim 6, drawn to a method of inhibiting repair of breaks in double stranded DNA;
- III. Claim 7, drawn to a method of preventing cancer;
- IV. Claim 8, drawn to a method of treating cancer;
- V. Claim 9, drawn to a method of preventing concatamerization of a linear wild-type adenoviral DNA;
- VI. Claim 10, drawn to a method of inhibiting V(J)D recombination;
- VII. Claim 11, drawn to a method of preventing cell apoptosis induced by viral DNA replication; and
- VIII. Claims 12-16, drawn to a method of increasing the efficiency of chemotherapeutic or radiation treatment of cancer.

In response, applicants hereby elect Group I, claims 1-5, with traverse for prosecution at this time.